

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**AFFYMETRIX, INC., a Delaware
Corporation,**

Plaintiff/Counter-Defendant,

vs.

ILLUMINA, INC., a Delaware Corporation,

Defendant/Counter-Plaintiff.

Civil Action No. 04-901-JJF

ILLUMINA'S NOTICE OF DEPOSITION OF ROBERT LIPSCHUTZ

In accordance with the provisions of Rules 26 and 30 of the Federal Rules of Civil Procedure, Illumina, Inc. ("Illumina"), hereby provides notice that commencing at 9:00 a.m. on November 2, 2005, at the offices of KIRKLAND & ELLIS LLP, 555 California Street, San Francisco, CA 94104-1501, or at such other time mutually agreed upon by counsel for the parties, it will take the deposition of Robert Lipschutz by oral examination.

The deposition will be taken upon oral examination before an official authorized by law to administer oaths and will continue from day to day until completed. Pursuant to Rule 30(b)(2), testimony of the witness will be recorded by both stenographic means and sound-and-visual means.

You are required to produce the witness at the stated time and place, and are invited to attend to cross-examine.

Dated: October 13, 2005

By: /s/ Mary B. Matterer

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Counsel for Illumina, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October, 2005, I caused to be electronically filed the foregoing document, **ILLUMINA'S NOTICE OF DEPOSITION OF ROBERT LIPSCHUTZ**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld, Esq.
MaryEllen Noreika, Esq.
Morris Nichols Arsht & Tunnell
1201 Market Street
Wilmington, DE 19801

Additionally, I hereby certify that on the 13th day of October, 2005, the foregoing document was served via facsimile on the following non-registered participants:

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/s/ Mary B. Matterer
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